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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,383	07/17/2003	Takashi Miyakura		9626

7590 12/29/2005
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ALEXANDRIA, VA 22314

EXAMINER

NGUYEN, SIMON

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/620,383	Applicant(s) MIYAKURA, TAKASHI	
	Examiner SIMON D. NGUYEN	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-7, 11-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Baumhauer, Jr. et al. (6,389,145).

Regarding claim 1, Baumhauer discloses a receiver body (108) in a receiver unit (100) (figs.1, 2), having a cavity (the air space in the left and right sides of the wall 206 to flatten a sound pressure characteristic of the receiver body (fig.2, column 3 line 55 to column 4 line 36).

Regarding claims 2-4, Baumhauer further discloses a cavity (222 and an air portion from there to outlets 208 or the air portion to the right of the wall 206) to a back portion of the receiver body and a cavity (an air portion to the left of the wall 206) to a front portion of the receiver body (fig.2).

Regarding claims 5-6, Baumhauer further discloses the cavities are formed by an internal space of a case and a through hole (212, 208 of fig.2) constituting a leakage path is formed in a wall of the case (column 3 line 64 to column 4 line 36).

Regarding claim 7, Baumhauer further discloses a resonant structure (column 5 lines 1-34).

Regarding claims 11-12, Baumhauer further discloses a leakage path (224,336,334 of fig. 3) to commute with an external space (column 4 line 37 to column 5 line 34), wherein the external space is an internal space of a handset of a mobile terminal device (figs.1, 3).

Regarding claims 13-14, Baumhauer discloses the receiver body (108, 200 of figs 1, 2, respectively) attaches to the receiver unit 100 of fig.1, wherein the case is inherently housed in an electrically insulating holder with an opening through which a sound hole forming region of the receiver body (figs.2-3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baumhauer, Jr. et al. (6,389,145) in view of Bosisuthi et al. (5,729,605).

Regarding claim 9-10, Baumhauer does not specifically disclose the sound pressure based on evaluation using a leakage type artificial ear.

Bosisuthi discloses a headset having an acoustic element (figs. 2, 4), wherein the sound pressure evaluation based on a leakage type artificial ear (fig.4c, column 4 lines 52-67). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Baumhauer, modified by Bosisuthi to control over the

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particular variation in resistance in order to provide users with a rich variety of selectable frequency responses.

Allowable Subject Matter

5. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 8, Baumhauer, Jr. fails to disclose a hollow chamber formed in the cavity with a hole to couple to the cavity.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

600 Dulany, Alexandria, VA 22314

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Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Hand-delivered response should be brought to Customer Service Window
located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

December 21, 2005


SIMON NGUYEN
PRIMARY EXAMINER